

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46950 of 2014

Arising Out of PS.Case No. -1482 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

=====

Ravi Shankar Kumar S/o Prabhat Mahto Resident of Village Madhopur
Sabnahu, P.S. Harnaut, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Juli Kumari W/o Ravi Shankar Kumar, D/o Arvind Kumar Resident of
Village Ben, P.S. Ben, District Nalanda.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate.

For the Opposite Party/s : Mr. Yogendra Kr.Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 12-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 323, 406 and 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and the fact that the petitioner is the husband, who now wants to atone his conduct by not only taking back his wife/O.P. No. 2 to his house but also for keeping her with all due respect and dignity as a wife would deserve in the hands of the husband and his family members, this Court could direct the petitioner, namely, Ravi Shankar Kumar to surrender within a period of four weeks from today whereafter the court below shall release the petitioner on provisional bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with

Complaint Case NO. 1482C of 2013, subject to the following conditions:

(i) That upon appearance of the petitioner and on giving the aforementioned written undertaking by him, the court below shall grant him provisional bail for a period of one month. In this period of one month, the petitioner shall immediately go to the house of the O.P. No. 2 and get the O.P. No. 2 back to his own house for living together and establishing matrimonial relationship in a dignified and descent manner.

(ii) Upon expiry of the aforesaid period of provisional bail of one month, the petitioner as well as his wife/O.P. No. 2 shall appear before the court below which then having made enquiry from the O.P. No. 2 and finding that no further mental or physical torture was caused to her either by the petitioner and/or any family member of the petitioner, would extend the provisional bail for a period of three months.

(iii) It goes without saying that if the petitioner does not behave or keep the O.P. No. 2 with due respect and dignity that a wife would deserve in the hands of the husband, his provisional bail shall be immediately cancelled.

(iv) Upon expiry of the aforementioned period of three months of provisional bail, the petitioner along with his

wife shall again appear before the court below and if the court below after making enquiry from the O.P. No. 2, is satisfied about the dignified conduct towards the O.P. No. 2, the provisional bail to the petitioner shall be extended now for a period of six months.

(v) Upon expiry of the aforesaid period of six months of provisional bail, the petitioner and O.P. No. 2 shall again appear before the court below and if there is no further complain by the O.P. No. 2 with regard to the behaviour of the petitioner and/or his family members towards the O.P. No. 2, his provisional bail shall be confirmed.

(vi) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(vii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.

(viii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation

of his bail on the ground of misuse.

(ix) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--